

**PREAMBLE
TO THE
SUPERINTENDENT'S COMPENDIUM
2003**

**WRANGELL-ST. ELIAS NATIONAL PARK AND PRESERVE
ALASKA**

PREAMBLE

The proposed compendium was available for comment from January 1 – February 15, 2003. The following preamble addresses comments received by the park on the proposed compendium. Groups or organizations who commented are identified in the discussion. Individuals who commented are not identified.

GENERAL COMMENTS:

Determinations:

The State of Alaska (State) pointed out that the Parks deal with determinations differently and has asked for more consistency, suggesting that a separate document be created to list the determinations.

The National Park Service (NPS) believes that incorporating the determinations in the existing compendium helps the public understand the issue and would prefer to incorporate the determinations where possible. If a written determination is too lengthy to be incorporated the park will indicate that a full determination is available upon request or simply attach the determination to the end of the compendium.

Limit applicability to Federal Lands

The State contends that these compendium regulations only apply to park lands. They have requested a statement to that effect early in the compendium.

The limitations of the regulations and the compendium are carefully articulated in Title 36 CFR Sections 1.2 and 13.2 – Applicability and Scope - and do not require further elaboration or interpretation.

Compendiums as educational tools:

The State commented that the compendia may be a type of educational tool and supports the use of the compendia in that effort.

The NPS believes that while this is not the basic purpose of the compendiums, the NPS is supportive of the State's desire to see the document used for education.

36 CODE OF FEDERAL REGULATIONS SPECIFIC COMMENTS:

1.6 Permits

Comment was received from the State indicating that there are inconsistencies among the various compendiums. Some of these inconsistencies are editorial in nature while others are due to park specific differences. Editorial inconsistencies will be corrected.

2.1 (a) (5) Designated areas for walking or climbing on cultural sites.

The State has requested consistent wording where specific issues do not need to be addressed for a specific park. The NPS believes that consistency can be achieved by adopting the following:

“There are no designated areas. Walking and climbing on archeological and cultural resource sites is prohibited.”

2.1 (b) Designated trails

The State of Alaska suggests using the words “No restrictions on walking or hiking.”

The NPS agrees with the State’s suggestion.

2.1 (c) (1-3) Designated fruits and berries, to harvest by hand

The State of Alaska has suggested some default language in this section. The NPS believes that the parks can use the following:

“All edible fruits, berries, nuts and unoccupied seashells may be gathered by hand for personal use or consumption.” The section on unoccupied seashells may not apply to all parks.

The State of Alaska has suggested that the ANILCA parks adopt uniform wording for 13.20(b)(1) and 13.49(b). The NPS believes that it is necessary to address the two separately authorized user groups and will continue to address federally qualified subsistence users separately.

2.2(d) Established conditions and procedures for transporting lawfully taken wildlife through park areas.

The State of Alaska has suggested consistent wording of this section. The NPS agrees to the State’s proposal and will adopt the suggested wording.

2.2(e) Designated areas for wildlife viewing with artificial light.

The State of Alaska suggested adopting the Gates of the Arctic compendium entry. After consideration the areas where hunting is allowed agree to adopt the following modified version of the Gates of the Arctic compendium:

“No areas designated for closure. For sport hunting in the Preserve, state law prohibits the use of artificial light. Federal subsistence hunting regulations provide for the use of artificial light in some circumstances (50 CFR Part 100).”

Those parks without hunting will provide “No areas designated for closure.”

2.3 (a) Fishing

The State of Alaska has suggested adoption of compendium entries that will bring the NPS fishing regulations in Alaska into conformity with State Regulations. The Alaska specific regulation permitting fishing in park areas, 36 CFR 13.2, adopts applicable State and Federal law to the extent not inconsistent with 36 CFR 2.3. The NPS believes that any compendium entries must continue to be consistent with the regulations in Section 2.3

2.3 (d)(2) Waters Open to Bait Fishing in Fresh Water

Same comment as found under 2.3 (a).

2.3 (d)(8) Designated areas open for fishing from public boat docks, bridges, etc.

The State comments concerned wording used that could imply that the NPS may use this section beyond what is appropriate.

In order to clarify this section the header will be changed to “Designated areas open for fishing from motor road bridges and public boat docks.” For those areas designating an opening, where possible the wording will be:

“All areas are designated as open for fishing from motor road bridges and boat docks.”

2.4(a)(2)(ii) Target Practice

The State of Alaska has suggested specific wording for this section. After considering the comment and the regulation, the NPS has concluded that the subsection can only authorize a target practice facility in a park area by special regulation. Since no special regulations exist, the NPS will delete this entire section from the compendiums because 2.4(a)(2)(ii) does not authorize a compendium action.

2.10(d) Food Storage designated areas and methods

The State of Alaska suggested two options. The NPS is adopting a modification of the State’s proposal in Appendix B of their letter. There is a value to consistency where possible and the NPS suggests further work on this issue in conjunction with the State. The NPS recognizes that some variation will continue to exist because of differing environments, but where possible the parks will attempt to be consistent by using the language proposed by Kenai Fjords as a basis for the language in this section.

2.13(a)(1) Fires

The State of Alaska has proposed specific wording to expand the wording of Kenai Fjords compendium. The NPS agrees to the state’s proposal as modified (replacing “pit” with “site”:

“All trash (tin foil, burnt food, glass, and cans) must be removed from the fire site after use.”

2.14(a)(5) Sanitation-Designated areas for bathing and washing.

The State of Alaska has proposed deleting the phrase “No designated areas.” The wording about designated areas is needed so that the language complies with the specific regulation. Where needed, in parks with public facilities, the additional explanatory language suggested by the State could be adopted to help educate the public.

“No designated areas; therefore unless allowed by the Superintendent, bathing and washing of cooking utensils, food and other property at all public water outlets, fixtures, or pools is prohibited.”

2.14(a)(7) Sanitation designated areas for disposal of fish remains.

Similar comments to 2.14(a)(5) above. Parks will adopt the language suggested by the State where applicable.

2.14(a)(9) Human waste disposal in nondeveloped areas.

The State of Alaska has suggested uniformity of distance in the compendium entries, where possible, and has suggested a standard of 100 feet as the appropriate distance from water, campsite, or a trail. The NPS agrees that where physically possible a uniform distance could be adopted but would like to work further with the State to consider national research and standards on this issue in determining the most appropriate distance. The default distance in parks is 100 feet with the exception of Gates of the Arctic which has previously established a 200 foot standard.

For ease of reading the distance from water and the depth of burial have been combined in the same sentence and will continue to address the issue under 2.14(a)(9).

2.14(b) Carrying out human waste

The State of Alaska commented to 2.14(a)(9); however, these conditions are more appropriately addressed under 2.14(b)

The State has suggested that the parks provide options for the disposal of toilet paper including permitting the practice of burial, burning or carrying out toilet paper. The parks are reluctant to endorse burial of toilet paper as an appropriate method of disposal. Burning may not be appropriate in certain areas given fire danger in specific areas. Carry out remains the preferred option for disposal in most areas.

2.15(a)(1) Pets

The State of Alaska has suggested adopting a phrase from the regulation to go beyond the phrase “no additional conditions at present.” The Parks believe that it is more appropriate for the public to refer to the regulation for the entire list of conditions that are applied to pets in the parks and but have agreed to modify the entry to read:

This regulation section contains restrictions, such as “Pets must be leashed or otherwise physically restrained,” and therefore there are no additional conditions.

2.18 Snowmachine Use

The Wilderness Society and co-signers The National Parks Conservation Association, The Alaska Quiet Rights Coalition, and the Alaska Center for the Environment commented that the wording of 2.18 must be clarified to ensure that readers are aware that all areas are closed to snowmachine use under this section. The authors of this comment are correct.

The NPS proposes to alter the language to read “No areas designated for snowmachine use” and where applicable the following may be added:

“Superseded in part by 43 CFR 36.11 Special access.
Superseded by 36 CFR 13.46 for subsistence uses.”

The “(Non-traditional Activities)” in the header will also be deleted.

2.19(a) Winter Activities

The State of Alaska has suggested default language where no park specific issues exist. Some parks presently state “no designated areas.” The State suggests “All areas are open to winter use.”

The NPS agrees that the language could be confusing. In those areas with no parking areas or roads the respective compendiums will state that this section does not apply. Those areas that do not allow skiing, snowshoeing, etc on roads and parking areas open to vehicle traffic will state:

“Roads and parking areas open to vehicle traffic in the winter are not designated as open to winter activities.”

2.60 Grazing

The State of Alaska commented that the Parks adopt consistent language for this section unless park specific issues need to be addressed. The NPS agrees and will adopt the States’ suggested language.

2.62 (b) Memorialization – designation of areas for scattering ashes:

The State of Alaska has commented that most park areas do not require a permit for the scattering of ashes and questions the need for a permit. The parks that presently require a permit will reconsider the need for permitting. In large natural areas the scattering of ashes will generally be allowed without a permit; however parks with significant developed areas may choose to require a permit for the developed areas.

3.20(a) Waterskiing

The State of Alaska has suggested “No restrictions at present.” In many cases the parks do not see waterskiing as a significant activity; however, where it is necessary to address the activity the parks believe that designating the appropriate waters is consistent with the requirements of the regulations. For consistency, these parks will state:

“All waters are designated as open.”

13.17(e)(5)(i) Designated cabins for general public use.

The State has recommended that in areas where public cabins exist and are not under public use permit the parks adopt language giving the public short term authority to use the cabins for up to 14 days. The parks discussed this issue and found that there are significant differences in cabin management between the parks in Alaska for a variety of reasons. The NPS believes that this issue cannot be addressed with default general language and must be addressed on a park-by-park basis.

13.17(e) (5) (ii) Established conditions and allocation system to manage the use of designated public use cabins

Comment was received from four individuals who did not support the park's proposal to institute a reservation system and a fee for use of the public use cabins listed as public use cabins. The objections voiced the concern that a reservation system would create an advantage for commercial users and that first come first serve had been working and should be continued. The park has received other comments over the last several years from visitors who were unable to plan on using a cabin without a reservation.

Commercial users would be limited to the same time limitations as non-commercial users and should be competing for cabin time on an equal basis with non-commercial users.

The park proposes to initiate a reservation system on a limited basis with a limited number of cabins on the reservation system. This should allow an evaluation of the effect of the reservation system. At the same time the park would like to engage in more discussion of the proposed system with those interested in the issue.

13.19(b) Carrying Firearms

The NPS appreciates the State of Alaska's comments on the present regulations and the willingness to assist the parks in resolving the issue.

13.22 Abandoned and Unattended personal property.

The State of Alaska has commented that the NPS should adopt uniform treatment of caches. The parks will continue to work toward wording that can be applied to more than one area. Some parks believe that it is necessary to make allowances for differences between developed areas or areas with mountaineering concerns or other special concerns. These issues will be covered in the specific park's determinations.

13.30(d)(2) Camping

The State of Alaska has commented that it believes special regulations are needed to improve restrictions on camping. The NPS appreciates the States discussion of this issue and proposes to refer to the existing State regulations in the development of Federal regulations.

The State of Alaska commented specifically to Wrangell-St. Elias Draft Compendium in support of the need for special regulations for the Kennecott Historic Site. The park is pursuing special regulations for the historic site.

The State of Alaska commented specifically to Wrangell-St. Elias Draft Compendium regarding the closure to camping at the end of the McCarthy Road. The State supported the closure as long as it is limited to the specific site. The State also supported a new regulation related to facility management with closure authority.

The park plans to retain the closure which is limited to the specific site. The park is working toward a regulation with facility management authority.

13.69(a)(2) Customary trade of handicraft articles made from plant materials

The State of Alaska has proposed that the NPS support the adoption of a special regulation allowing the customary trade of handicraft articles similar to the Kobuk Valley specific regulation. The NPS has been reviewing its regulation of customary trade, and agrees that there may be a need for some modifications to accommodate customary and traditional activities.

36.11(f)(3)(ii) Salvage of downed aircraft

The State of Alaska commented in support of the general provision in most compendiums which details the requirement for a permit prior to salvaging downed aircraft.

36.11(g)(1) ORVs on established trails.

The NPS appreciates the State's comments regarding ORV use. We believe that the differences in the treatment of this issue between the individual parks reflect the differences in existing use patterns and differing management plans.

The Wilderness Society and co-signers The National Parks Conservation Association, The Alaska Quiet Rights Coalition and the Alaska Center for the Environment commented that the section should reference 36.11(g) (2) Off road vehicles.

The park agrees with the comment and will make the change indicated.

13.46, The use of snowmobiles, motorboats, dog teams, and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses.

The Wilderness Society and co-signers The National Parks Conservation Association, The Alaska Quiet Rights Coalition and the Alaska Center for the Environment commented in support of the closure listed in 13.46 of the 2003 Compendium.

WRANGELL-ST. ELIAS NATIONAL PARK AND PRESERVE 2003 COMPENDIUM

National Park Service (NPS) regulations applicable to the protection and equitable public use of units of the National Park System grant specified authorities to a park superintendent to allow or restrict certain activities. NPS regulations are found in Titles 36 and 43 of the Code of Federal Regulations (CFR) and created under authority and responsibility granted the Secretary of Interior in Titles 16 and 18 of the United States Code. The following compendium comprises a listing of all NPS regulations that provide the Superintendent with discretionary authority to make designations or impose public use restrictions or conditions. The larger body of NPS regulations that do not provide discretionary authority to the Superintendent is not cited in this compendium. A complete and accurate picture of regulations governing use and protection of the unit can only be gained by viewing this compendium in context with the full body of applicable regulations found in Titles 36 and 43 CFR. *Please contact Wrangell-St. Elias National Park and Preserve, Copper Center, Alaska at (907) 822-5234 for questions relating to information provided in this compendium.*

TITLE 36 CODE OF FEDERAL REGULATIONS

PART 1. GENERAL PROVISIONS

1.5 Closures and public use limits

(a)(1) Visiting hours, public use limits, closures

(a)(1) Visiting hours, public use limits, closures

The Visitor Center maintains hours of operation of 0800 hrs to 1800 hrs. during the summer months, from approximately Memorial Day Weekend to Labor Day weekend inclusive. The rest of the year the Visitor Center is open from 0800 hrs. to 1630 hrs. The administrative building is open from 0800 hrs. to 1630 hrs. Monday through Friday except for Federal holidays.

The main gate to the headquarters complex is open to match the Visitor Center hours or the availability of staff in the headquarters building whichever is later. Both sites may operate under reduced hours in the event of a weather emergency or extraordinary circumstance such as a natural disaster.

See specific sections in this document for additional information regarding closures, visiting hours, and public use limits.

(a)(2) Designated areas for specific use or activity or conditions

See specific sections in this document for additional information regarding designated areas and conditions for engaging in certain activities.

1.6(f) Compilation of activities requiring a permit

- Scientific research, (1.5)
- Collecting research specimens, (2.5)
- Operating a power saw in developed areas, (2.12(a)(2))
- Operating a portable motor or engine in undeveloped areas, (2.12(a)(3))
- Operating a public address system, (2.12(a)(4))
- Air delivery, (2.17(a)(3))
- Noncommercial soliciting, (2.37)
- Using, possessing, storing, or transporting explosives, blasting agents, or explosive materials, (2.38(a))
- Special events, (2.50(a))
- Public assemblies and meetings, (2.51(a))
- Sale and distribution of printed matter, (2.52(a))
- Grazing, (2.60(a)(1), (2))
- Residing on federal lands, (2.61(a))
- Installing a monument or other commemorative installation, (2.62(a))
- Commercial notices or advertisements, (5.1)
- Commercial operations, (5.3)
- Commercial photography or filming, (5.5)
- Construction or repair of any building, structure, facility, road, trail, or airstrip on federal lands, (5.7)
- Mining operations (9.9(a)) or an approved Plan of Operations (in lieu of permit)
- Abandoned property, leaving property unattended for over 12 months, (13.22(b))
- Cabins on federal lands-
 - ◊ General use and occupancy, (13.17(e)(1), (2))
 - ◊ Commercial fishing, (13.17(e)(3))
 - ◊ Subsistence-exclusive use, (13.17(e)(4)(i))
 - ◊ Temporary (over 14 days) facilities in Preserve for taking of fish and wildlife, (13.17(e)(7))
 - ◊ Cabins otherwise authorized by law, (13.17(e)(8))
- Subsistence use in the Park by person who does not live within the Park boundary or a resident zone community, (13.44(a))
- Using aircraft access for subsistence activities in the Park, (13.45(a), 13.45(b)(1), 13.73(a)(1))
- Cutting of live standing timber greater than 3 inches in diameter for non-commercial subsistence uses, (13.49(a)(1))
- Access to inholdings where access is not made by aircraft, snowmachine, motorboat or non-motorized surface transportation, (43 CFR 36.10(b))
- Temporary access across federal land for survey, geophysical or exploratory work, (43 CFR 36.12(c))
- Salvaging, removing, possessing aircraft, (43 CFR 36.11 (f)(3)(ii))
- Helicopter landings, (43 CFR 36.11(f)(4))
- Off-road vehicle (ORV) use, (43 CFR 36.11(g)(2))

PART 2. RESOURCE PROTECTION, PUBLIC USE AND RECREATION

2.1(a)(4) Designated areas for collection of dead and downed timber for firewood

Superseded by 13.20(b)(4) and 13.49(b).

*13.20(b)(4) allows the collection of dead or downed timber by hand for personal use for firewood.

*13.49(b) allows federally qualified subsistence users to collect dead or downed timber for firewood.

2.1(a)(5) Designated areas and conditions for walking, climbing, entering, ascending, descending, or traversing an archeological or cultural resource, monument, or statue except on designated areas and under conditions established by the superintendent.

The designations and conditions described below are designed to protect sensitive cultural and archeological sites and to protect the public from hazards in those sites. The Park Service proposes to continue to permit access to the Kennecott Historic Site with many of the same conditions that existed when the area was private property. The National Park Service does not intend the following compendium conditions to regulate the actions of people on private property in the National Historic Site.

1) Entry is prohibited into buildings that are barricaded or signed as closed. Do not pass beyond barricades, climb through windows or remove boards to enter closed buildings.

This closure protects both the historic structures and contents from vandalism and the public from the safety hazards found in these unstable buildings.

2) Mine tunnels and other openings within the Kennecott Historic Site are closed to entry.

The abandoned mines contain hazards that could result in serious injury or death. They have decayed support timbers, unsafe ladders, rotten structures, unstable explosives, deep pools of water, cave-ins, rock fall from unstable ceilings and walls, deadly gas, lack of oxygen, concealed or thinly covered vertical shafts in tunnel floors.

3) Camping is not permitted in or on any of the historic structures in the Kennecott National Historic Site. Camping is not permitted in the mill site. The mill site is the collection of buildings clustered around the mill building on both sides of National Creek. The mill site for the purpose of these restrictions is bounded by Bonanza Creek to the north, the Kennicott Glacier to the west, the 2200' contour line to the east and the boundary of the Miller property to the south. This area is depicted on the attached map labeled "mill site"

Part of the attraction of the Kennecott Mill Town is the historic scene presented by the mill buildings. Camping is prohibited to preserve the historic scene and to lower the temptation to use the buildings for shelter. Camping is permitted in areas outside of the Mill Site and north of Jumbo Creek.

4) Fires are not permitted inside of any building or within 300 feet of any of the historic buildings or structures in the Kennecott National Historic Site.

The historic buildings and structures are made of wood. There is no way to extinguish a structural fire.

2.1(b) Designated trails

No restrictions on walking or hiking.

2.1(c)(1-3) Designated fruits and berries, to harvest by hand

Superseded by 13.20(b)(1) and 13.49(b) .

*13.20(b)(1) allows the collection of fruits, berries, mushrooms, and other natural plant food items by hand for personal use.

*13.49(b) allows federally qualified subsistence users to collect fruits, berries, mushrooms, and other natural plant food items.

2.2(d) Established conditions and procedures for transporting lawfully taken wildlife through the Park area

Wildlife legally taken outside the park boundaries, or inside the park if taken from non-federal lands, may be transported through NPS administered lands.

Hunters are required to identify themselves and the location where the wildlife that is being transported across park or preserve lands was taken when requested by a park ranger. Identification of the site may consist of specific directions, maps, or upon request the hunter may be required to accompany the ranger to the location to verify the kill site.

This requirement is intended to allow transport of legally taken game across NPS administered lands.

2.2(e) Designated areas for wildlife viewing with artificial light

No areas designated for closure. For sport hunting in the Preserve, state law prohibits the use of artificial light Federal subsistence hunting regulations provide for the use of artificial life in some circumstances (50 CFR Section 100).

2.3(d)(2) Fresh waters designated as open to bait fishing with live or dead minnows or other bait fish, amphibians, nonpreserved fish eggs or fish roe

No waters are designated as open to fishing with the types of bait identified above. Other types of bait may be used in accordance with state law. Subsistence fishing is allowed in accordance with 36 CFR part 13 and 50 CFR part 100.

2.3(d)(8) Designated areas open for fishing from motor road bridges and public boat docks

All areas are designated as open for fishing from motor road bridges and boat docks.

2.4 (a)(2)(i) Carrying of weapons at designated locations and times

Superseded by 13.19(b).

2.10(a) Camping-conditions and permits

Superseded in part by 13.18(a).

See also, section 2.1(a)(5) for conditions specific to Kennecott

See also, campground closure near the end of the McCarthy Road listed under section 13.30(d)(2).

2.10(d) Food storage - designated areas and methods

Throughout the park, all food (except legally taken game), food containers, garbage, harvested fish and equipment used to cook or store food must be stored in one of the following ways when not in use:

- secured within a hard sided building, or
- secured within lockable and hard sided section of a vehicle, vessel, or aircraft, or
- in a bear resistant food container, or
- cached a minimum of 100 feet from camp and suspended at least 10 feet above the ground when possible and 4 feet horizontally from a post, tree trunk, wire cable, or other object.

Note: This does not apply to:

- Clean dishes and cooking equipment that are free of food odors. We strongly recommend that these items be securely stored; but clean and odor free items are not required to be stored in secure containers.
- Food that is being transported, consumed or prepared for consumption.
- The use of bait for trapping and hunting under the provisions of state and federal law.

A bear resistant section or container is securable and constructed in such a manner and of material capable of preventing access by a brown or black bear. Acceptable Bear Resistant Food Containers include:

- PVC plastic or aluminum backpacker canisters (such as those manufactured by Garcia Machine, Wild Ideas, or Purple Mountain Engineering)
- steel drums with locking rings
- modified military ammo cans or bear resistant metal panniers
- metal raft dry boxes

Unacceptable Bear Resistant Food Containers include:

- ice chests

- coolers
- tents
- dry bags or stuff sacks
- plastic packing boxes (Totes, Action Packers, etc.)
- hard or soft shelled kayaks with standard hatch covers

The intent of these requirements is to prevent bears and other wildlife from obtaining and habituating to food and garbage, thus protecting wildlife and park visitors alike.

2.11 Picnicking - designated areas

Superseded by 13.18(b)

2.13(a)(1) Fires - Designated areas and conditions

Campfires and Picnic fires are permitted in all areas of the park except the Headquarters / Visitor Center Site and the Kennecott National Historic Landmark within the Mill Town area as designated under 2.1 (a) (5). Where fires are permitted all trash (tin foil, burn food, glass, and cans) must be removed from the fire site after use.

2.14(a)(2) Sanitation and refuse - using government receptacles

No conditions established at present. Dumping commercial, household, or industrial refuse, brought in from private or municipal property, in government receptacles is prohibited.

2.14(a)(5) Sanitation - designated areas for bathing and washing

No designated areas. Unless otherwise allowed by the Superintendent, bathing and washing of cooking utensils, food and other property at all public water outlets, fixtures, or pools is prohibited.

2.14(a)(7) Sanitation- designated areas for disposal of fish remains

No designated areas at present. Fish remains may not be disposed of on either land or water within 200 feet of public boat docks or designated swimming beaches.

2.14(a)(8) Sanitation - human waste in developed areas

Human waste must be disposed of in public restrooms and outhouses where available.

2.14(a)(9) Sanitation - designated areas for disposal of human waste in undeveloped areas

No designated areas or methods at present. Disposing of human body waste within 100 feet of a water source, high water mark of a body of water, or a campsite, or within sight of a trail is prohibited.

2.14(b) Sanitation- condition concerning disposal, carrying out of human waste

No restrictions at present.

2.15(a)(1), (a)(3), (a)(5), (b), (e) Pets

This regulation section contains restrictions, such as pets must be leashed or physically restrained, and therefore there are no additional conditions.

2.16 (a)-(c) Horses and pack animals

Superseded by 43 CFR 36.11(e).

Access for subsistence purposes under 36 CFR 13.46(a) supersedes this section.

2.17(a)(1) Aircraft operation

Superseded by 43 CFR 36.11(f)(1).

Use of aircraft in national parks or monuments for subsistence purposes is prohibited under 36 CFR 13.45, except in Malaspina Forelands. See section 13.73(b) of this document.

2.17(a)(2) Aircraft operation near docks, piers, swimming beaches and other designated areas

No areas prohibited at present.

2.17(c)(1) Removal of downed aircraft

Superseded by 43 CFR 36.11(f)(3)(ii).

2.18(c) Snowmobiles-designated areas for use

No areas designated for snowmachine use.

Superseded in part by 43 CFR 36.11 Special access.

Superseded by 36 CFR 13.46 for subsistence uses.

2.19(a) Winter activities-designated areas

This section only applies to designated roads and parking areas open to vehicular traffic. This section is not applicable in Wrangell-St. Elias National Park and Preserve.

2.20 Skating and skateboards

Superseded by 43 CFR 36.11(e).

2.21 Smoking

All park offices and visitor facilities are closed to smoking.

Smoking is prohibited within 100 feet of the park fuel and aviation gas storage facility.

These restrictions are intended to protect public safety from fire or explosion around fuel storage and dispensing facilities.

2.22 Property - leaving property unattended for 24 hours

Superseded by 13.22.

2.35(a)(3)(i) Alcoholic beverages - areas closed to consumption

All areas of the Park and Preserve are open.

2.38(b) Explosives - areas designated for using fireworks

No areas designated for use of fireworks.

2.51(e) Public assemblies/meetings - designated areas

Public assemblies, meetings, gatherings, demonstrations, parades and other public expressions of views may be allowed within the Wrangell-St.Elias National Park/Preserve (WRST) Headquarters/Visitor Center complex, provided a permit has been issued by the Superintendent. The designated location for such activities is the area designated within and adjacent to the bus shelter located on the south side of the visitor parking area. This is the only area designated by the superintendent for such activities in the WRST Headquarters/Visitor Center complex. A map marking this designated location will be attached to the permit and is also available in the office of the Superintendent. All other areas of the Park and Preserve are open to public assemblies with a permit from the Superintendent.

2.52(e) Sale and distribution of printed matter-areas designated for such use

All areas of the Park and Preserve are open to distribution with a permit from the superintendent.

2.60(a)(3) Designated areas for grazing

Grazing of pack or saddle animals by private parties, not to exceed 14 days, is authorized without a permit within the Park and Preserve. Any feed brought in must be “weed-free.”

Grazing in support of commercial operations is only allowed under permit from the superintendent.

These restrictions seek to lessen the impact of extended camps on vegetation.

2.62(b) Memorialization-designation of areas for scattering ashes

All areas are open to scattering of ashes without a permit.

PART 3. BOATING AND WATER USE ACTIVITIES

3.3 Permits

No permits required at present.

3.6(i) Boating, prohibited operations - designated launching areas

All areas of the Park and Preserve are open to launching of boats.

3.6(j) Operating a vessel not directly accessible by road

Superseded by 43 CFR 36.11(d).

Access for subsistence purposes under 36 CFR 13.46(a) supersedes this section.

3.6(k) Launching or operating airboats

Superseded by 43 CFR 36.11(d).

Access for subsistence purposes under 36 CFR 13.46(a) supersedes this section.

3.6(l) Operating a vessel in excess of designated size

No maximum size designations at present.

3.20(a) Water skiing-designated waters

All waters are designated as open.

3.21(a)(1) Swimming and bathing-areas designated as closed

All areas are open to swimming and bathing.

3.23(a) SCUBA and snorkeling - designated conditions in swimming areas, docks, etc

No conditions established at present.

PART 4. VEHICLES AND TRAFFIC SAFETY

4.10 Travel on park roads and designated routes-areas designated for off-road use in Preserves

ATVs may be operated on existing trails pursuant to a permit issued under 43 CFR 36.11(g)(2). Existing trails where ATV may be operated are shown on a map available at park headquarters in Copper Center or the Slana Ranger Station. Pneumatic tired vehicles and tracked vehicles are authorized. Recreational ATVs may not be operated in designated wilderness. These designations and restrictions do not apply to subsistence use of ATVs traditionally used for subsistence activities pursuant to 36 CFR 13.46(a).

Amended by 43 CFR 36.10, 36.11(c), (g).

This restriction minimizes the impacts of vehicle travel while allowing for access.

4.11(a) Load weight and size limits - permit requirements and restrictive conditions

No restrictions at present.

4.21(b),(c) Speed limits-designation of a different speed limit

No designations necessary at present.

4.30(a) Bicycles-closed areas

Superseded by 43 CFR 36.11(e).

Access for subsistence purposes under 36 CFR 13.46(a) supersedes this section.

4.30(d)(1) Wilderness closed to bicycle use

Superseded by 43 CFR 36.11(e).

Access for subsistence purposes under 36 CFR 13.46(a) supersedes this section.

4.31 Hitchhiking-designated areas

All areas are open to hitchhiking.

PART 5. COMMERCIAL AND PRIVATE OPERATIONS

5.7 Construction of buildings, roads, trails, airstrips, or other facilities

Maintenance of established landing strips utilizing non-motorized hand tools is not considered construction or repair and no permit is required.

PART 13. ALASKA REGULATIONS

SUBPART A – PUBLIC USE AND RECREATION

13.17(d)(8)(ii), (iv) Established conditions for removal of cabin for which a cabin permit has been denied, expired, or revoked

No conditions established at present (may require access permit).

13.17(e)(4)(i) Designated existing cabins, shelters or temporary facilities that may be shared for subsistence use without a permit

No designations at present. All subsistence use requires permit from superintendent.

13.17(e)(4)(vi) Established conditions and standards governing the use and construction of temporary structures and facilities for subsistence purposes, published annually

No conditions or standards established at present.

13.17(e)(5)(i) Designated cabins or other structures for general public use

Jakes Bar
Nuggett Creek
Peavine 1
Peavine 2
May Creek
Orange Hill
Too Much Johnson
Chelle Lake

13.17(e) (5) (ii) Established conditions and allocation system to manage the use of designated public use cabins

A reservation may be required for the use of any designated Public Use Cabin listed above. For the first summer season of the reservation system a limited number of cabins will be made available for reservation as a trial of the system. The park will notify the public of the specific cabins under the system through

public notice in, park literature, information to air taxi operators, and visitor centers and contact stations.

Reservations will be accepted up to 6 months in advance. Reservations require a nonrefundable deposit to be paid when the reservation is made. A fee of \$25 is charged for each day that the cabin is reserved. The limit on use is 7 days in one stay and 14 days in a calendar year.

Reservations may be made by phone or by mail using a credit card by contacting the Anchorage Public Lands Information Center. Reservations may be made in person at the Anchorage Public Lands Information Center, Wrangell-St. Elias National Park and Preserve headquarters in Copper Center or at the Slana Ranger Station.

A reservation system allows users from remote areas to plan to use a cabin with some assurance that the facility will be available upon their arrival.

13.17(e)(7)(iv)(B) Established conditions for removal of temporary facility used in excess of 14 days.

Individuals must remove facility, all personal property, and return the site to its natural condition.

These conditions are intended to protect the park from impacts to vegetation and soil and to ensure that personal items are not left in the park.

13.18(a) Restricted areas for camping

Areas temporarily restricted or closed to camping are listed under 13.30(d)(2).

13.18(b) Picnicking-areas where prohibited by posted signs

No restrictions at present.

13.19(b) Carrying firearms

Temporary restrictions are listed under 13.30(d)(2).

13.20(d) Collection of Natural Features

There are no additional restrictions.

13.22(c) Designate areas where personal property may not be left unattended for any time period, limits on amounts and types, manner in which property is stored

- All caches must be labeled with the name of the owner, home address, telephone number, date that the cache was established, and if the cache contains fuel the type of fuel must be noted. Unlabeled caches will be impounded.
- Caches left for more than 4 months will be considered abandoned and may be removed by park rangers.
- All caches must be stored in such a manner that wildlife is unable to access the cache contents.

- Fuel caches will be limited to one location, and to no more than 30 gallons may be registered to a single cache owner.
- Fuel caches will be stored at least 100 feet from any water source, gravel bar, or flood plain. Fuel must be contained in a UL approved steel fuel container and placed on impervious material in such a manner that any spillage would be contained and prevented from coming into contact with water, soil or vegetation.
- A Special Use Permit may be obtained from the Superintendent for unique or special circumstances that require a cache to be left in place for more than 4 months. All such requests must be made in writing to the Superintendent at P.O. Box 439, Copper Center, AK 99573.

Unlabeled and undated caches are an indication that the owner has no intention of returning or retrieving the property. Experience indicates that caches older than 4 months are usually abandoned. Unlabeled fuel is of questionable use since fuel deteriorates with age. Fuel caches require special handling because fuel spills contaminate ground and are widely dispersed by water. Unstable stream banks and sudden changes in water levels make streamside caches unsuitable.

13.30 (d)(1) Temporary closures and restrictions relating to the use of aircraft, motorboats, and non-motorized surface transportation or to the taking of fish and wildlife

No restrictions at present.

13.30(d)(2) Temporary closures and restrictions (other)

Camping

1) The campground associated with the spur road on the north side of the McCarthy Road at mile 59 is closed from 10pm to 6am to camping, between the dates of April 15 and October 15. This temporary closure will be lifted on October 15, 2003.

The closure is necessary because of the danger presented to the camping public by human habituated bears. The campground is located in a bear corridor and adjacent to a large soap berry patch. Bear research has confirmed that bear encounters are unavoidable and that the bears tend to be accustomed to humans and to associate humans' with food. The risk to campers from both black and brown bears is unacceptably high. Private fee campgrounds are available in the immediate area.

SUBPART B – SUBSISTENCE

13.46 The use of snowmobiles, motorboats, dog teams, and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses.

The following three routes are closed to the use of ORVs. The closures are centered on the three trails described and extend 1,000 feet to either side of each trail.

Trail #1 has end points on the south side of The Sportsmen's Paradise Lodge property and northeast end of Jack Lake.

Trail #2 has end points on the Jack Lake road and the Tanada Lake trail. Trail #3 has end points on the Tanada Lake trail and the Copper Lake trail.

This closure is a seasonal closure in effect only during summer months. During winter periods in which there is 6-12 inches of snow or more, or a combination of snow and frost depth sufficient to protect the underlying vegetation and soil, these areas will be open to over snow vehicles. This closure will be in effect until a determination by the Superintendent concludes that these routes no longer represent an unacceptable adverse impact on the resource.

The Superintendent has determined that Trails #1, #2, and #3 are causing an unacceptable adverse impact on the resource. A map depicting these trails may be viewed on the park's web site or a physical copy can be obtained from the Superintendent upon request. This closure will be in effect until a determination by the Superintendent concludes that these routes no longer represent an unacceptable adverse impact on the resource.

13.49(a)(1) May permit cutting in accordance with specifications of permit for subsistence timber harvest (house logs & firewood)

See policy statement on subsistence green wood harvest.

13.49(a)(2) Restrictions on cutting of live timber less than 3" in diameter for subsistence purposes

No restrictions at present.

SUBPART C – SPECIAL REGULATION, SPECIFIC PARK AREAS

13.73(a)(2) Aircraft access for residents of Yakutat to Malaspina Forelands

The Malaspina Forelands are defined as: those areas that are to the seaward side of the Malaspina Glacier that not covered by ice and that lie between Bancas Point in Disenchantment Bay and the Park boundary on the Chaix Hills.

These areas are available for aircraft access under a permit issued by the Superintendent for residents of Yakutat that are Federally qualified for subsistence in Wrangell-St. Elias National Park and Preserve.

43 CFR, PART 36 TRANSPORTATION AND UTILITY SYSTEMS (Access Regulations)

36.11(c) Temporary closures or restrictions on the use of snowmachines for traditional activities

No closures or restrictions at present.

36.11(d) Temporary closures or restrictions on use of motorboats

No closures or restrictions at present.

36.11(e) Temporary closures or restrictions on use of non-motorized surface transportation

No closures or restrictions at present.

36.11(f)(1) Temporary closures or restrictions on landing areas for fixed-wing aircraft

No closures or restrictions at present.

36.11(f)(3)(ii) Established procedure for salvaging and removing downed aircraft

Must obtain permit from Superintendent before salvage occurs (see standard permit stipulations).

This requirement allows the superintendent to establish terms and conditions for salvage operations as necessary to protect resources, provide for public safety, and minimize impacts on visitors.

36.11(g)(2) Use of off-road vehicles (ORV) on established trails

ATVs may be operated on existing trails pursuant to a permit issued under 43 CFR 36.11(g)(2). Existing trails where ATV may be operated are shown on a map available at park headquarters in Copper Center or the Slana Ranger Station. Pneumatic tired vehicles and tracked vehicles are authorized. Recreational ATVs may not be operated in designated wilderness. These designations and restrictions do not apply to subsistence use of ATV traditionally used for subsistence activities.

(Amended by 43 CFR 36.11(g))

This restriction will minimize the impacts of vehicle travel in the park while allowing for access.

This compendium is approved and rescinds all previous compendiums issued for Wrangell-St. Elias National Park and Preserve.

Superintendent

Date

List of Attachments

1. Wrangell-St. Elias Subsistence Green Log Policy

